



08-CV-05430-ORD

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| JUN 19 2009 | |
| CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA Hon. Ronald B. Leighton DEPUTY Noted for June 12, 2009 | |

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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| MARK WILLIAMS, Personal Representative of the Estate of Shane Williams, Plaintiffs, v. KITSAP COUNTY, et al., Defendants. | NO. CV 08-5430-RBL STIPULATION AND ORDER OF CONSOLIDATION |
| CECILIA GOULD AND ROBERT GOULD, Plaintiffs, v. BEN HERRIN, et ux., and PAUL WOODRUM, et ux., Defendants. | NO. CV 09-5281-RBL |

The parties,

(A) Mark Williams, in his capacity as the Personal Representative of the Estate of Shane Williams, and on his own behalf, through his attorney, Guy Beckett of Berry & Beckett, PLLP;

(B) Cecilia & Robert Gould, through their attorney, Fred Diamondstone,

(C) Kitsap County, Ben Herrin, and Victor Cleere, through their attorney, Kitsap County Senior Deputy Prosecuting Attorney, Ione S. George,

(D) Paul Woodrum, through his attorney, Andy Cooley of Keating, Bucklin & McCormick, and

STIPULATION AND [PROPOSED] ORDER RE:
CONSOLIDATION - 1
CV 08-5430-RBL & 09-5281-RBL

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1 (E) Randy Olson, through his attorney, Mark Koontz of the Bremerton City Attorney's
2 Office,
3 enter the following:

4 **STIPULATION**

5 1. The above two referenced cases filed with this Court involve the same events related
6 to the death of Shane Williams, as well as claims by Mr. and Mrs. Gould arising out of their
7 seizure and detention immediately following the death of Shane Williams. Both cases have
8 common defendants, though each case also has non-common defendants. All individual
9 defendants are law enforcement officers who were either present at the time of Mr. Williams'
10 death or immediately thereafter.

11 2. Substantial discovery has occurred in the *Williams* case, though discovery is not
12 complete. The *Williams* case has also been the subject of a summary judgment motion with
13 respect to immunity claims related to the death of Mr. Shane Williams, as well as a *Monell*
14 liability motion.

15 3. The *Gould* case does not involve *Monell* claims, just claims against individual
16 officers who were present: Herrin, Woodrum, Cleere and Olson. The *Gould* case involves a
17 claim by Cecilia Gould related to the death of her son, Shane Williams, who resided at the
18 Gould residence at the time of death, and continuously for more than one year prior to that
19 time.

20 4. The parties concur that discovery in the *Gould* case would in part duplicate discovery
21 already done and to be completed in the *Williams* case. The parties believe that judicial
22 economy as well as economy to the parties will be served by consolidation of the two cases.

23 5. The parties agree that any and all documentary and deposition discovery to date in the
24 *Williams* case should be utilized in the *Gould* case. To the extent that the *Gould* case
25 involves different claims, whether related to potentially different standards in relation to the
26 death claims or whether related to the seizure and detention of the Goulds, Plaintiffs Gould

STIPULATION AND [PROPOSED] ORDER RE:
CONSOLIDATION - 2
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1 can and should be able to conduct discovery, with the understanding that discovery shall not
2 be duplicated.

3 6. The parties also agree that the two cases should be tried together, again for reasons of
4 judicial economy and economy to the parties. The parties propose a trial to occur sometime
5 after February 1, 2010, subject to the Court's calendar. The parties propose that a new pre-
6 trial schedule be established with the following suggested dates in mind.

- 7 A. Initial Disclosures in Gould by August 1, 2009
- 8 B. Plaintiffs' (Additional) Expert Disclosures by August 21, 2009.
- 9 C. Defendants' Expert Disclosures by September 18, 2009.
- 10 D. Discovery Cutoff of October 23, 2009.
- 11 E. Dispositive Motions to be Noted for Hearing by November 13, 2009.
- 12 F. Rule 39.1 Mediation by December 18, 2009.
- 13 G. Such other Pre-trial dates as are consistent with the Court's customary

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1 schedule, as modified to accommodate the above proposed, stipulated dates.

2 Respectfully Submitted this 12th day of June, 2009.

3 **FRED DIAMONDSTONE**

RUSSELL HAUGUE

4 s/ Fred Diamondstone

s/ Ione George

5 Fred Diamondstone, WSB # 7138

Ione George, WSB # 18236

6 Attorney for Plaintiff

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s/ Andy Cooley

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23 **ORDER**

24 The Stipulation above is APPROVED, and

25 IT IS FURTHER ORDERED that the Clerk of the Court shall issue a Scheduling Order

26 / / /

STIPULATION AND [PROPOSED] ORDER RE:
CONSOLIDATION - 4
CV 08-5430-RBL & 09-5281-RBL

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1 consistent with the above Stipulation and a trial date of February 22, 2010.

2 DONE IN COURT this 19th day of June, 2009

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4 
5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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STIPULATION AND [PROPOSED] ORDER RE:
CONSOLIDATION - 5
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